

DETAILED ACTION

1. In view of the Appeal Brief filed on 25 July 2011, PROSECUTION IS HEREBY REOPENED. Reasons for reopening set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Response to Arguments

2. Prosecution has been reopened because it does not appear that the Specification as-filed supports all of the claimed subject matter, as alleged by Applicant in the remarks received 13 January 2011 and the Appeal Brief received 25 July 2011. For more information, see the rejection of the claims under 35 U.S.C. § 112(1) below.

a. Applicant refers numerous times throughout the Appeal Brief to the embossing, film transfer, and printing being "in stacked vertical alignment on a substrate." However,

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it does not appear that the Specification supports a claim recitation that the embossing, foil transfer, and printing are in stacked vertical alignment, as interpreted by the Applicant: i.e. that each of the three processes produces the exact same pattern on the substrate.

b. Even assuming, *arguendo*, that this claim limitation was supported by the Specification, this limitation would not be sufficient to patentably distinguish the claimed invention over the prior art. It is well established that the content of printed matter is not patentable, nor can the content of printed matter patentably distinguish an invention over the prior art. See, e.g. MPEP §2112.01(III). In this case, the claim limitations requiring stacked vertical alignment of the three printing processes is merely related to the content of the printed matter. That is, the design of what is being printed will dictate whether the embossing, foil transfer, and printing overlap, regardless of the order and relationship of the various printing methods. This is because differences in design of the three separate methods, which differences manifest themselves in the content of the printed matter, depend only upon the design of the components used to create the content of the printed matter: the design on an embossing roll; the design on a printing plate which prints the adhesive to which the foil transfer material is adhered; and the design on a printing plate(s) which print the multi-color ink image.

3. Applicant's arguments, filed in the Appeal Brief received 25 July 2011 with respect to claims 1-3, 5, 7, 9, 18-20, 22-25, and 27-31 have been considered but are not persuasive.

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a. Applicant argues on p. 10 that the claimed invention solves “numerous long-felt needs.” The examiner disagrees. Applicant has presented no evidence of any alleged “numerous long-felt needs.” Mere arguments from Applicant that such needs exist are not evidence.

b. Applicant argues on pp. 11-12 that Goss fails to teach an overlapping film transfer layer and multi-color printed image. Based on the specific example provided by Goss, this Applicant's allegations appear to be correct. However, Goss clearly has the capability to print the film transfer layer over the multi-color ink image. The heat tunnels of Goss (col. 3, lines 37-45) “substantially dry” (col. 2, line 18) the ink so that a second ink image or an adhesive image can be printed on the substrate without disturbing the previous images. Therefore, one is able, should one chose to print a design with overlapping images, to print an overlapping image using the apparatus and method of Goss.

c. Applicant argues on p. 12 that Goss fails to disclose drying the adhesive after the roll leaf is transferred. This argument appears to be of no moment, as the claims merely recite drying the adhesive, and not drying the adhesive after the roll leaf is transferred.

d. Applicant argues on pp. 11-12 that Goss discloses drying of the adhesive under ambient conditions. The examiner disagrees. However, this argument appears to be of no moment, as Goss teaches actively drying the adhesive, which is all that is claimed. The claims make no reference to curing of the adhesive. Indeed, the Specification merely refers to drying the adhesive between successive steps, and not completely

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curing the adhesive. Because Goss uses two different terms, drying and curing, it is clear that drying and curing are two separate processes. Goss further discloses that the heater “functions to evaporate water contained in the adhesive 68 that has been applied to the web 12, thereby drying the adhesive” (col. 4, line 67 – col. 5, line 1).

e. Applicant argues on p. 12 that Goss fails to disclose embossing or a structure including elevations and/or indentations. This argument is of no moment. The examiner has not relied on Goss for any such teachings, and indeed has indicated that Goss does not disclose embossing. Had Goss disclosed embossing of the substrate, the examiner likely would have rejected the claims as being anticipated by Goss, and not relied upon an obviousness rejection of the claims using Goss as a base reference.

f. Applicant argues on p. 13 that Vaughn does not disclose embossing, but instead merely discloses creating “disruptions” in the substrate. The examiner disagrees. First, Vaughn clearly discloses embossing: “embossing at least one of the surface of the web substrate with an embossed image using at least one embossing roller.” Absent compelling evidence that the “embossing” of Vaughn is not really embossing, Applicant’s argument is not persuasive. Second, even assuming, *arguendo*, that the embossing mysteriously disappears because Vaughn discloses a stretchy material that will render embossing ineffective, the claims are directed to the method of and apparatus for embossing, and not to the product created. As such, Vaughn merely needs to satisfy the method steps and apparatus features to teach the sort of embossing recited in the claims.

Applicant argues on p. 13 that use of the printing rollers of Vaughn would destroy any embossing as the embossed substrate passes through the small gap between the printing rollers. This argument directly contradicts Applicant's own Specification, in which there are embodiments where the embossed substrate passes through not only the printing rolls, but also through calendar rollers. Applicant fails to explain how the claimed method and apparatus is capable of printing on an embossed substrate without destroying the embossed structures, while the prior art is incapable of this. Applicant attempts to overcome this apparent contradiction by citing a mysterious "printing gap" present in the Specification, but not in the prior art, including Vaughn. However, as Applicant does not appear to have invented any multi-color printing apparatus or methods, or even improved upon existing multi-color printing methods or apparatus, it is not clear how the "printing gap" of the Specification would allow embossed structures to survive the printing gap, while still maintaining proper contact between the printing rolls and the substrate necessary to print an image on the substrate.

Even assuming, *arguendo*, that Applicant's allegations about Vaughn are correct, they are of no moment, as the claims merely recite method steps and apparatus structure; the final state of the substrate is immaterial as long as the claimed operations have been performed on the substrate.

g. Applicant argues on pp. 14-15 that there is no teaching, suggestion, or motivation to combine Goss and Vaughn to arrive at the claimed invention. The examiner disagrees. Applicant appears to be relying solely on the old teaching, suggestion, or motivation test set forth by the Federal Circuit. While this is still a valid test for

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determining whether it would have been obvious to combine two references to render a claimed invention obvious, there are now several other valid motivations for combining the features of two references. See MPEP §§ 2142-2143. Therefore, the stated motivation of obtaining the aesthetic benefits of embossing is sufficient motivation to combine Goss and Vaughn to render the claimed invention obvious.

h. Applicant argues on p. 19 that the heat tunnel of Goss cannot be a heat tunnel because Goss fails to disclose the precise method by which the heat tunnel generates heat. The examiner disagrees. The disclosure of Goss must be evaluated on its face. If Goss discloses that the heat tunnel is a heat tunnel that generates heat, then the heat tunnel is a heat tunnel that generates heat. The method of heat generation is immaterial to the fact that any heat at room temperature or above will have an infrared component.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-3, 5, 7, 9, 18, 19, 20, 22-25, and 27-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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6. Regarding claims 1, 18, and 19, the amendment received 13 January 2011 recites: "wherein at each predetermined position on the substrate the transferred portion of the transfer layer, the color printing, and the embossing overlap and are positioned in stacked vertical alignment with respect to the base material" (claim 1, lines 28-30); "wherein at each predetermined position the adhesive, the transfer layer, the print, and the embossing are in overlapping, vertical alignment with respect to the base layer" (claim 18, lines 25-27); and "to provide the adhesive, the transfer film, the pattern, and the print material in overlapping vertical alignment on the base printing material at each of the predetermined portions" (claim 19, lines 20-22).

The Specification, as filed, does not appear to support these claim limitations. Fig. 6 of the specification shows the transfer layer as item 22 on the substrate 2. The Specification describes, on p. 19 (¶¶0065-0067 of the PG Pub), that these printing motives 22 "can be stamped," (line 22). However, it does not appear that the Specification supports what appears to be Applicant's desired interpretation of these passages of the claims: that the method and apparatus of the invention *only* creates a substrate with the exact same design created by embossing, foil transfer, and printing. Applicant's remarks, received 13 January 2011, do not specifically state where support for these claim limitations can be found in the Specification, instead merely stating that "amended claims and new claims are fully supported by the application as filed."

The Appeal Brief, Filed 25 July 2011, states that support for these claims limitations can be found in ¶0067 of the PG Pub document. However, ¶0067 only appears to support that one can stamp the foil transfer portions of the substrate, and

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not, as Applicant claims, that all three processes are required to be the exact same design.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Regarding claim 2, the claim recites that the adhesive is applied and the transfer layer is transferred prior to embossing or printing. This is in direct contradiction to an embodiment of claim 1, which recites "providing a color printing at the predetermined positions of the base material before coating the base material with an adhesive (lines 14-15). Because the limitations of claim 2 contradict those of claim 1, no rejection with respect to the prior art has been applied.

b. Regarding claim 23, it is not clear how one would determine when an adhesive is "completely" dry.

Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 3, 5, 9, 18-20, 22-25, and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross et al., US 5,603,259 A (hereinafter Gross) in view of Vaughn et al., US 6,983,686 B2 (hereinafter Vaughn).

a. Regarding claim 1:

Gross teaches a method for the production of print products by combining various immediately successive processing methods, the method comprising the steps of:

partially coating less than an entirety of a base material with an adhesive layer at predetermined positions of the base material corresponding to intended locations of the print products ("the raised area 80 of the flex-o-plate 77, which area now contains the adhesive 68, comes into contact with the web 12 and creates an adhesive pattern thereon," col. 4, lines 51-54; Fig. 3 shows the printing 32 and 50 and transfer layer 100 are provided at the same location);

providing a transfer film including a carrier foil layer, a parting layer, and a transfer layer ("roll leaf 90... has characteristics which are standard in the roll leaf industry," col. 3, lines 46-47; the standard characteristics appear to be the foil layer 92, parting layer between the foil and transfer layers, and transfer layer 98, Fig. 2);

removing said transfer layer from said carrier foil and transferring less than an entirety of the transfer layer to the base material exclusively at the predetermined positions of the base layer by adhering the transfer layer to the adhesive ("cause a size-coated metallic layer 98 of the roll leaf 90 to adhere to the adhesive 68 on the web 12," col. 4, lines 10-12);

providing a color printing at the predetermined positions of the base material before coating the base material with an adhesive (“the raised area 44 of the flex-o-plate 40, which are now contains the ink 32, comes into contact with the web 12 and creates an ink pattern thereon,” col. 4, lines 11-14); and

actively drying with a drying device the color printing (“which patterns are dried as the web 12 passes through the neat tunnel interposed between the fast printing station 14 and the intermediate printing station 16,” col. 4, lines 18-20);

wherein the print product to be produced successively undergo the preceding steps in one continuous sequence without intermediate storage (Fig. 1, foil transfer occurs immediately after printing stages); and

wherein at each predetermined position on the substrate the transferred portion of the transfer layer and the color printing overlap and are positioned in stacked vertical alignment with respect to the base material (Fig. 3 shows the registration of printing 32 and 50 with foil transfer 100).

Gross does not teach providing an embossing at the predetermined positions of the base material; and wherein the embossing overlaps the printing and transfer layer in stacked vertical alignment.

Vaughn teaches a method and apparatus of embossing and printing a web (col. 2, lines 1-8), wherein the printing and embossing are overlaid in stacked vertical alignment (“where the printed image and the embossed image overlap, resulting in a synergistic visual interaction between the two images,” col. 3, lines 37-39), and where the printing is carried out on the web immediately after embossing, and without

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intermediate storage (printing roll 31 immediately follows embossing roll 22, Fig. 1). Embossing is known to enhance the aesthetics of consumer products (col. 1, lines 19-20).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Gross to provide an embossing at the predetermined positions of the base material, because Vaughn teaches that one can predictably print and emboss a substrate in vertically stacked alignment, and embossing is advantageous for enhancing the aesthetics of consumer products.

b. Regarding claim 3, the combination of Gross and Vaughn teaches the method of claim 1 as discussed in the rejection of claim 1 above. The combination of Gross and Vaughn also teaches wherein after the embossing and color printing, the color printing is dried and the transfer layer is transferred to the base material with the adhesive (The combination of Gross and Vaughn would require one having ordinary skill in the art to order the three operations of embossing, printing, and foil transfer. One likely combination would be to first emboss and then print, as taught by Vaughn, with the foil transfer following printing, as taught by Goss.).

c. Regarding claim 5, the combination of Gross and Vaughn teaches the method of claim 1 as discussed in the rejection of claim 1 above. The combination of Gross and Vaughn also teaches wherein the color printing is provided after the embossing (Vaughn: the printing roll 32 is downstream of the embossing roll 22, Fig. 1).

d. Regarding claim 9, the combination of Gross and Vaughn teaches the method of claim 1 as discussed in the rejection of claim 1 above. The combination of Gross and

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Vaughn also teaches pressing the transfer layer onto the base material using a pressing unit (Gross: pressing unit comprises rollers 92, 94, Fig. 1).

e. Regarding claim 18:

Gross teaches a method for producing a print product, said method comprising:

coating a base layer with an adhesive layer exclusively at predetermined positions of the base layer corresponding to desired locations of the print products ("the raised area 80 of the flex-o-plate 77, which area now contains the adhesive 68, comes into contact with the web 12 and creates an adhesive pattern thereon," col. 4, lines 51-54; Fig. 3 shows the printing 32 and 50 and transfer layer 100 are provided at the same location);

providing a transfer film having at least a carrier foil layer, a parting layer and said transfer layer ("roll leaf 90... has characteristics which are standard in the roll leaf industry," col. 3, lines 46-47; the standard characteristics appear to be the foil layer 92, parting layer between the foil and transfer layers, and transfer layer 98, Fig. 2);

transferring portions of the transfer layer to said base layer exclusively at the predetermined positions including the adhesive ("cause a size-coated metallic layer 98 of the roll leaf 90 to adhere to the adhesive 68 on the web 12," col. 4, lines 10-12);

printing the base layer with a print at the predetermined positions of the base layer before coating the base layer with the adhesive layer ("the raised area 44 of the flex-o-plate 40, which are now contains the ink 32, comes into contact with the web 12 and creates an ink pattern thereon," col. 4, lines 11-14);

actively drying the print in a drying unit ("which patterns are dried as the web 12 passes through the neat tunnel interposed between the fast printing station 14 and the intermediate printing station 16," col. 4, lines 18-20); and

wherein the method is performed successively and continuously without intermediate storage (Fig. 1, foil transfer occurs immediately after printing stages); and

wherein at each predetermined position the adhesive and the transfer layer are in overlapping, vertical alignment with respect to the base layer (Fig. 3 shows the registration of printing 32 and 50 with foil transfer 100).

Gross does not teach embossing the base layer at the predetermined positions of the base layer after coating the base layer with the adhesive layer; wherein the embossing is overlapping, in vertical alignment, with respect to the printing and transfer layer.

Vaughn teaches a method and apparatus of embossing and printing a web (col. 2, lines 1-8), wherein the printing and embossing are overlaid in stacked vertical alignment ("where the printed image and the embossed image overlap, resulting in a synergistic visual interaction between the two images," col. 3, lines 37-39), and where the printing is carried out on the web immediately after embossing, and without intermediate storage (printing roll 31 immediately follows embossing roll 22, Fig. 1). Embossing is known to enhance the aesthetics of consumer products (col. 1, lines 19-20).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Gross to provide an embossing at the predetermined

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positions of the base material, because Vaughn teaches that one can predictably print and emboss a substrate in vertically stacked alignment, and embossing is advantageous for enhancing the aesthetics of consumer products.

f. Regarding claim 19:

Gross teaches a combined in-line printing apparatus comprising:

a gluing unit configured to selectively apply an adhesive to a plurality of predetermined positions of a base printing material fed through said printing apparatus, each one of the predetermined positions corresponding to a desired location of a print product on the base printing material (“the raised area 80 of the flex-o-plate 77, which area now contains the adhesive 68, comes into contact with the web 12 and creates an adhesive pattern thereon,” col. 4, lines 51-54; Fig. 3 shows the printing 32 and 50 and transfer layer 100 are provided at the same location; gluing unit 18, Fig. 1);

a film transfer device configured to transfer a transfer layer of a transfer film to said base material exclusively at the predetermined positions to which the adhesive has been previously applied (24, Fig. 1), said transfer film having at least a carrier foil layer, a parting layer, and said transfer layer (“roll leaf 90... has characteristics which are standard in the roll leaf industry,” col. 3, lines 46-47; the standard characteristics appear to be the foil layer 92, parting layer between the foil and transfer layers, and transfer layer 98, Fig. 2);

a printing device configured to print a material exclusively at the predetermined positions of said base material (14, 16, Fig. 1; “the raised area 44 of the flex-o-plate 40,

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which are now contains the ink 32, comes into contact with the web 12 and creates an ink pattern thereon,” col. 4, lines 11-14);

a drying unit configured to actively dry said adhesive (20, Fig. 1); and

wherein said base layer interacts with said gluing unit, said film transfer device, and said printing device without intermediate storage to provide the adhesive, the transfer film, and the print material in overlapping vertical alignment on the base printing material at each of the predetermined portions (Fig. 1, foil transfer occurs immediately after printing stages; Fig. 3 shows the registration of printing 32 and 50 with foil transfer 100).

Gross does not teach a stamping device configured to form a pattern in said base material exclusively at each of the predetermined positions, the pattern including at least one of elevations or indentations; a pressing unit having a plurality of calenders configured to compress said base layer and said transfer layer; wherein the pattern is in overlapping vertical alignment on the base printing material at each of the predetermined portions.

Vaughn teaches a method and apparatus of embossing and printing a web (col. 2, lines 1-8), wherein the printing and embossing are overlaid in stacked vertical alignment (“where the printed image and the embossed image overlap, resulting in a synergistic visual interaction between the two images,” col. 3, lines 37-39), and where the printing is carried out on the web immediately after embossing, and without intermediate storage (printing roll 31 immediately follows embossing roll 22, Fig. 1).

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Embossing is known to enhance the aesthetics of consumer products (col. 1, lines 19-20).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Gross to provide an embossing at the predetermined positions of the base material, because Vaughn teaches that one can predictably print and emboss a substrate in vertically stacked alignment, and embossing is advantageous for enhancing the aesthetics of consumer products.

g. Regarding claim 20:

The combination of Gross and Vaughn teaches the device of claim 19 as discussed in the rejection of claim 19 above.

The combination of Gross and Vaughn set forth by the examiner above is not specific as to the order of operations, such as whether said base layer interacts with said film transfer device either before or after said stamping device.

Goss teaches that when performing further operations after printing with either ink or adhesive, one must sufficiently dry the ink or adhesive so that further operations do not disrupt the ink or adhesive, and/or the ink or adhesive is sufficiently set so that it maintains the pattern desired by the operator.

One having ordinary skill in the art would know that one could perform the operations of embossing, multi-color printing, and foil transfer on a substrate in any order desired.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Goss wherein the embossing step of Vaughn

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is performed last, because this would provide the aesthetic benefits of embossing to not only the bare substrate, but also to the already present multi-color ink printing and the foil transfer layer.

h. Regarding claim 22, the combination of Gross and Vaughn teaches the device of claim 19 as discussed in the rejection of claim 19 above. The combination of Gross and Vaughn also teaches wherein said drying unit is between of said gluing unit and said printing device (Gross: “while the adhesive 68 is applied at the last printing station 18, it could just as well be applied at any of the other printing stations,” col. 5, lines 53-55; placement of the adhesive station thusly would place the drying unit 20 that dries the adhesive after the adhesive application unit and prior to a subsequent inking unit).

i. Regarding claim 23, the combination of Gross and Vaughn teaches the method of claim 1 as discussed in the rejection of claim 1 above. The combination of Gross and Vaughn also teaches wherein actively drying with the drying device dries the adhesive layer (Gross: “the heating station 20, which functions to evaporate water contained in the adhesive 68 that has been applied to the web 12, thereby drying the adhesive,” col. 4, line 65 through col. 5, lines 1).

j. Regarding claim 24, the combination of Gross and Vaughn teaches the method of claim 1 as discussed in the rejection of claim 1 above. The combination of Gross and Vaughn also teaches wherein the drying step include drying with infrared radiation (Gross: heat tunnel, col. 3, lines 37-45; the heat will have a component in the infrared range, as infrared heat is emitted even by objects at temperatures as low as room temperature).

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k. Regarding claim 25, the combination of Gross and Vaughn teaches the method of claim 1 as discussed in the rejection of claim 1 above. The combination of Gross and Vaughn also teaches wherein the drying device includes a first part on a first side of the print products and a second part on a second side of the print products (Gross: heat tunnel 20 fully envelops the printed web, Fig. 1).

l. Regarding claim 27, the combination of Gross and Vaughn teaches the method of claim 19 as discussed in the rejection of claim 19 above. The combination of Gross and Vaughn also teaches wherein said drying unit includes infrared radiation (Gross: heat tunnel, col. 3, lines 37-45; the heat will have a component in the infrared range, as infrared heat is emitted even by objects at temperatures as low as room temperature).

m. Regarding claim 28, the combination of Gross and Vaughn teaches the device of claim 22 as discussed in the rejection of claim 22 above. The combination of Gross and Vaughn also teaches wherein the drying unit is downstream from the gluing unit (Gross: 20, Fig. 1).

n. Regarding claim 29, the combination of Gross and Vaughn teaches the method of claim 1 as discussed in the rejection of claim 1 above. The combination of Gross and Vaughn also teaches wherein at each predetermined position on the substrate the transferred portion of the transfer layer, the color printing, and the embossing are provided with the same design pattern (Patentability of a product cannot depend upon the design of printed material. See MPEP §2112.01. In this case, the ordinarily skilled artisan is free to choose whatever design is desired, including a design in which each of

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the printing, stamping, and foil transfer layer have the exact same identical design pattern).

o. Regarding claim 30, the combination of Gross and Vaughn teaches the method of claim 18 as discussed in the rejection of claim 18 above. The combination of Gross and Vaughn also teaches wherein at each predetermined position on the substrate the transferred portion of the transfer layer, the color printing, and the embossing are provided with the same design pattern (Patentability of a product cannot depend upon the design of printed material. See MPEP §2112.01. In this case, the ordinarily skilled artisan is free to choose whatever design is desired, including a design in which each of the printing, stamping, and foil transfer layer have the exact same identical design pattern).

p. Regarding claim 31, the combination of Gross and Vaughn teaches the device of claim 19 as discussed in the rejection of claim 19 above. The combination of Gross and Vaughn also teaches wherein the transfer film, the pattern formed by the stamping device, and the print material each include the same design pattern (Patentability of a product cannot depend upon the design of printed material. See MPEP §2112.01. In this case, the ordinarily skilled artisan is free to choose whatever design is desired, including a design in which each of the printing, stamping, and foil transfer layer have the exact same identical design pattern).

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross in view of Vaughn applied to claim 1 above, and further in view of Miyamoto et al., US 6,033,509 A (hereinafter Miyamoto).

The combination of Gross and Vaughn teaches the method of claim 1 as discussed in the rejection of claim 1 above.

The combination of Gross and Vaughn does not teach wherein a transfer film that has been supplied for the film printing method is stretched in the direction of width.

Miyamoto teaches stretching of a transfer film prior to application to reduce wrinkles in the transfer film (col. 6, lines 28-29)

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Gross wherein a transfer film that has been supplied for the film printing method is stretched in the direction of width as taught by Miyamoto, because this helps reduce wrinkles in the transfer film.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is 571.272.2864. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571.272.2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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Leo T. Hinze
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17 October 2011

/Judy Nguyen/
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